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15 SEP 1999

John S. Pratt
Kilpatrick, Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530

In re Application of :
JUBB et al : DECISION ON PETITION
Application No.: 09/202,758 :
PCT No.: PCT/GB97/01667 :
Int. Filing Date: 20 June 1997 : UNDER 37 CFR 1.182
Priority Date: 21 June 1996 :
Attorney Docket No.: M8540/185343 :
For: SALINE SOLUBLE INORGANIC FIBRES :

This decision is in response to applicants' submission of national stage papers filed 21 December 1998 containing indications on both a Transmittal Letter (Form PTO-1390) and an executed declaration filed therewith that the name of one of the originally named inventors, i.e., Alison Jane Lowe, has since changed to "Alison Jane Wassell." The submission has been treated as including a petition under 37 CFR 1.182 requesting that the name of this inventor be changed as indicated and that the application papers, including the declaration of the inventors filed 21 December 1998, be accepted for entry into the national stage under 35 U.S.C. 371. The petition fee of \$130 has been charged to counsel's Deposit Account No. 11-0855 based on the authorization to charge any additional required fees to said account, which is found in the Transmittal Letter.

BACKGROUND

On 20 June 1997, applicants filed international application No. PCT/GB97/01667, which claims a priority date of 21 June 1996 and designates the United States. A Demand, in which the U.S. was elected, was filed within 19 months of the priority date. Accordingly, the deadline for entry into the national stage in the U.S. expired as of midnight of 21 December 1998.

On 21 December 1998, applicants filed in the United States Patent and Trademark Office (PTO) a Transmittal Letter (Form PTO-1390) accompanied by, *inter alia*, the basic

national fee and an executed declaration of the inventors. In the "FAMILY NAME" box of the declaration pertaining to the fourth named inventor, the name "WASSELL" appears along with the indication "(Formerly AJW) (LOWE)." The declaration has been signed by "A.J. Wassell." In addition, the Transmittal Letter references "Form PCT/IB/306 changing name of Inventor Jane Wassell," which form is present in the application file and indicates the recording of a change in the name of applicant-inventor Jane Alison Lowe to "Jane Alison Wassell."

DISCUSSION

MPEP § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. As noted above, the petition fee has been charged to counsel's deposit account.

With regards to item (2), applicants have not provided an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. Therefore, item (2) has not been satisfied, and thus the petition may not be properly granted at this time.

CONCLUSION

For the reasons above, the petition is **DISMISSED** without prejudice.

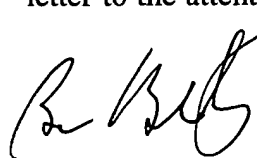
If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required.

A proper response must include an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order..

Extensions of time may be obtained under 37 CFR 1.136(a).

Failure to file a proper response within the period for response as set forth above, or as extended by any petitions for extensions of time under 37 CFR 1.136(a), will result in the abandonment of the application.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Boris Milef
PCT Legal Examiner
PCT Legal Office



Richard B. Lazarus
Supervisory PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-3659
Facsimile: (703) 308-6459